SB 575 A   STAFF MEASURE SUMMARY

Carrier: Rep. Kropf

Joint Committee On Ways and Means

Action Date:	06/21/21
Action:	Do Pass the A-Eng bill.
House Vote	
Yeas:	10 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Sollman, Stark
Exc:	1 - Smith G
Senate Vote	
Yeas:	11 - Anderson, Frederick, Golden, Gorsek, Hansell, Johnson, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen
Nays:	1 - Girod
Fiscal:	Fiscal impact issued
Revenue:	No revenue impact
Prepared By:	Julie Neburka, Budget Analyst
Meeting Dates:	6/17, 6/21

WHAT THE MEASURE DOES:

Modifies process for expunction of juvenile records. Requires a juvenile department (department) to initiate the expunction process and issue notice if the person does not have an open referral for a case by informal means and has not had contact with the department resulting in a conviction as an offender waived to adult court. Directs venue for juvenile expungement cases. Requires a department issue notice of expunction for juvenile records within 90 days of person turning age 18, or if person is 18 years or older by the operative date of the act, the date the department receives an expunction request from qualifying person. Requires the department to conduct a reasonable search of its files to determine which agencies may be in possession of related files and to notify those agencies of the duty to expunge the person's records. Requires the agencies in possession of the records to indicate compliance within 60 days of receipt of the notice. Provides allowance for extension of time for agencies to comply with expungement requirement in case of audit or grievance under the Interstate Compact for Juveniles. States that a department's destruction of a person's records is not expunction if those records are also maintained by the Department of Human Services for juvenile court jurisdiction dependency cases. Provides liability immunity for a person, in their capacity with the department, if that person sends a notice of expunction for an ineligible individual or fails to send a notice of expunction for an eligible individual, unless the person acts with knowledge and intentionally violates confidentiality provisions. Creates a cause of action if those factors are met. Allows person who is eligible for expungement to apply for appointment of counsel at state expense. Requires court to appoint counsel if person is financially eligible. Modifies definition of expunction. Directs the Oregon Youth Authority (OYA), in consultation with county juvenile departments to develop statewide model forms for notice of expunction. Requires application for expunction to be available from the court clerk. Directs the State Court Administrator to prescribe the content and form of expunction applications and judgments. Directs OYA to submit reports to the interim committee of the Legislative Assembly relating to juveniles on preparation status by September 15, 2021, and on process, data, and recommendation by January 2, 2022. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Fiscal Impact of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

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When a youth has contact with law enforcement or the juvenile court, records are created. Some information in those records can be accessed by potential employers, landlords, and others. The current process for expungement is found in ORS 419A.260-419A.265. Approximately four percent of eligible youth successfully apply annually for their records to be expunged. After expunction, a person can legally state the record never existed, and the contact never occurred. The automatic expungement process provided for in the measure would apply to youth who reach the age of 18 and have been referred but were never adjudicated.

Senate Bill 575 creates a procedure for automatic expunction for certain types of juvenile records and provides for court-appointed counsel for financially eligible applicants in the beginning of the process.